

APPEAL NO. 020420
FILED APRIL 4, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 13, 2002. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable left-knee injury of _____, did not extend to include the claimant's injury to his left shoulder. The hearing officer further determined that the respondent (carrier) was not relieved from liability under Section 409.004 because the claimant filed a claim for compensation within one year of his injury as required by Section 409.003. The claimant appealed the hearing officer's extent of injury determination on sufficiency grounds, and the carrier responded, urging that the hearing officer's decision and order be affirmed in its entirety. The timely filing of the claim issue has not been appealed and therefore has become final pursuant to Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable left knee injury of _____, did not extend to a left shoulder injury that the claimant allegedly sustained while participating in physical therapy for his left knee injury. The hearing officer decided that because the claimant's alleged accident purportedly causing his left shoulder injury was unwitnessed and because the medical records of the claimant's treating doctor [wholly] lack comment on the alleged injury, the claimant failed to meet his burden of proof. The parties presented conflicting evidence regarding each issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the carrier is **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge